

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0621

HOUSE BILL NO. 1166

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the telecommunications services program to
2 include current and developing technology.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-31-47 be amended to read as follows:

5 49-31-47. The Department of Human Services shall establish and administer a statewide
6 program to ~~purchase and distribute telecommunication~~ provide communication devices and
7 services to residents of this state who have disabilities that prevent them from ~~using a telephone~~
8 having communication access and ~~establish~~ maintain a dual party relay system making all
9 phases of public ~~telecommunications~~ communication service available to persons who are deaf,
10 severely hearing impaired or speech impaired. This program may be implemented through
11 contracts with public or private organizations that provide services to persons who are deaf or
12 persons with other severe disabilities.

13 Section 2. That § 49-31-48 be amended to read as follows:

14 49-31-48. A ~~telecommunication~~ communication device for individuals with disabilities is
15 ~~an electrical or mechanical a device for use with a telephone~~



1 ~~communicate through a telephone.~~ A dual party relay system provides voice ~~and teletype, digital~~
2 and electronic text, or visual communication between users of ~~telecommunication~~
3 communication devices and other persons.

4 Section 3. That § 49-31-49 be amended to read as follows:

5 49-31-49. A ~~telecommunication~~ communication device furnished by the Department of
6 Human Services ~~under pursuant to the provisions of §§ 49-31-47 to 49-31-56, inclusive, remains~~
7 the property of the state for three years, after which it becomes the property of the recipient. ~~A~~
8 During the initial three years, a person who receives a ~~telecommunication~~ communication
9 device from the department ~~under pursuant to the provisions of~~ this section is liable to the
10 department for the loss of or damage to the device. Any money collected by the department
11 ~~under pursuant to the provisions of~~ this section shall be deposited in the ~~telecommunication~~
12 communication access fund from which the expenditure occurred.

13 Section 4. That § 49-31-50 be amended to read as follows:

14 49-31-50. There is created in the state treasury the ~~telecommunication~~ communication
15 access fund for the deaf and the ~~telecommunication~~ communication access fund for other
16 disabilities for the deposit and disbursement of money collected ~~under pursuant to the provisions~~
17 of §§ 49-31-49 and 49-31-51. There is hereby continuously appropriated the sum of two
18 hundred thousand dollars (\$200,000), or so much thereof as may be necessary, each year from
19 the ~~telecommunication~~ communication access fund for the deaf to the Department of Human
20 Services to provide one or two cochlear implants to any child who suffers from severe to
21 profound hearing loss. The child shall be less than twenty-one years of age at the time of the
22 implant.

23 Section 5. That § 49-31-51 be amended to read as follows:

24 49-31-51. There is hereby imposed an access fee of fifteen cents per local exchange service

1 line per month, fifteen cents per cellular telephone per month in accordance with the provisions
2 provided in subdivision 34-45-1(7), and fifteen cents per radio pager device per month to pay
3 for the program established in § 49-31-47. The access fee shall be paid by each local exchange
4 subscriber to a local exchange service, or by each cellular telephone or radio pager service
5 subscriber to the service provider, unless the subscriber is otherwise exempt from taxation. The
6 access fee shall be reported as a separate line or service and collected on the regular monthly
7 bill by each local exchange telecommunications company or other service provider operating
8 in this state. On or before the last day of the month following each two-month period, every
9 telecommunications company providing local exchange service or other service provided
10 specified in this section shall remit to the Department of Revenue on forms furnished by the
11 department the amount of the access fee collected for that two- month period. The secretary of
12 revenue may grant an extension of not more than five days for filing a remittance. The
13 Department of Revenue shall deposit ninety percent of the money received ~~under~~ pursuant to
14 the provisions of §§ 49-31-47 to 49-31-56, inclusive, into the ~~telecommunication~~
15 communication access fund for the deaf and ten percent in the ~~telecommunication~~
16 communication access fund for other disabilities.

17 Section 6. That § 49-31-56 be amended to read as follows:

18 49-31-56. Expenditures authorized by the provisions of §§ 49-31-47 to 49-31-56, inclusive,
19 shall be paid on warrants drawn by the state auditor on vouchers approved by the secretary of
20 the Department of Human Services. Expenditure for services for individuals who have deafness,
21 deaf blindness, hearing impairments, and speech impediments and expenditures for the dual
22 party relay service shall be paid from the ~~telecommunication~~ communication access fund for the
23 deaf. Expenditure for services for individuals with all other disabilities shall be paid from the
24 ~~telecommunication~~ communication access fund for other disabilities.